

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 175 “TAXATION” TO ADD ARTICLE IV,
“REVITALIZATION TAX CREDIT”, SECTION 175-5, “PURPOSE”; §175-6,
AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS; §175-7
REVITALIZATION TAX DISTRICTS ESTABLISHED”; §175-8 “AUTHORITY TO
GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION
TAX CREDIT DISTRICT”; §175-9 “ELIGIBILITY REQUIREMENTS”; §175-10
“ELIGIBILITY CRITERIA”; §175-11 “TAX CREDIT – AMOUNT AND TERM”; §175-12
“APPLICATION PROCESS”; AND §175-13 “WAIVER”, TO SET CRITERIA FOR
AND ESTABLISH REVITALIZATION TAX DISTRICTS, GRANT A TAX CREDIT
AGAINST THE CITY PROPERTY TAX IMPOSED ON REAL PROPERTY WITHIN
THE DISTRICTS AND ESTABLISH ELIGIBILITY CRITERIA FOR THE TAX CREDIT

WHEREAS, the State of Maryland, pursuant to 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, has authorized the establishment of revitalization districts by resolution for the purpose of encouraging redevelopment; and

WHEREAS, Section 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, also authorizes the City to grant a property tax credit against the City’s real property tax for a property located within the revitalization district that is constructed or substantially redeveloped in conformance with adopted eligibility criteria and reassessed as a result of the construction or redevelopment at a higher value than that assessed prior to the construction or redevelopment; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide for the establishment of revitalization tax districts and to set the criteria for designation of such districts; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to authorize the granting of a property tax credit against the City’s real property tax for properties within a revitalization district and to adopt eligibility criteria for granting the credit.

CAPS
 [Brackets]
 Asterisks * * *

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-5, “Purpose” be and it is hereby enacted as follows:

ARTICLE V REVITALIZATION TAX CREDIT

§175-5 PURPOSE. THE PURPOSE OF THE CITY OF COLLEGE PARK’S REVITALIZATION TAX CREDIT PROGRAM IS TO PROVIDE FINANCIAL INCENTIVES TO ENCOURAGE ECONOMIC DEVELOPMENT AND REDEVELOPMENT BY CREATING REVITALIZATION DISTRICTS IN THE CITY.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-6, “Establishment of Revitalization Tax Credit Districts” be and it is hereby enacted as follows:

§175-6. AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS. THE COUNCIL MAY ESTABLISH ONE OR MORE REVITALIZATION TAX CREDIT DISTRICTS. A REVITALIZATION TAX CREDIT DISTRICT MAY BE ESTABLISHED WITHIN AN EXISTING DEVELOPMENT DISTRICT OVERLAY ZONE, TRANSIT DISTRICT OVERLAY ZONE, COMMERCIAL DISTRICT, INDUSTRIAL DISTRICT, OR COMMERCIAL CORRIDOR.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-7, “Revitalization districts established” be and it is hereby enacted as follows:

§175-7 REVITALIZATION TAX DISTRICTS ESTABLISHED.

THE FOLLOWING DISTRICTS ARE ESTABLISHED:

- A. DISTRICT ONE – TO INCLUDE THE AREAS ENCOMPASSED BY THE US 1 CORRIDOR DEVELOPMENT DISTRICT OVERLAY ZONE AND THE COLLEGE PARK-RIVERDALE TRANSIT DISTRICT OVERLY ZONE.
- B. DISTRICT TWO – TO INCLUDE THE AREAS ENCOMPASSED BY THE HOLLYWOOD COMMERCIAL DEVELOPMENT DISTRICT OVERLAY ZONE, THE BERWYN COMMERCIAL AND INDUSTRIAL DISTRICTS, THE BRANCHVILLE INDUSTRIAL DISTRICT AND THE GREENBELT/UNIVERSITY COMMERCIAL CORRIDOR.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-8, “Authority to grant a tax credit for real property located in a revitalization tax credit district” be and it is hereby enacted as follows:

§175-8 AUTHORITY TO GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION TAX CREDIT DISTRICT.

A PROPERTY TAX CREDIT MAY BE GRANTED BY RESOLUTION AGAINST THE CITY’S PROPERTY TAX IMPOSED ON REAL PROPERTY LOCATED WITHIN A REVITALIZATION DISTRICT THAT IS CONSTRUCTED OR SUBSTANTIALLY REDEVELOPED IN CONFORMANCE WITH THE ELIGIBILITY CRITERIA ESTABLISHED IN THIS ARTICLE AND REASSESSED AS A RESULT OF THE CONSTRUCTION OR REDEVELOPMENT AT A HIGHER VALUE THAN THAT ASSESSED PRIOR TO THE CONSTRUCTION OR REDEVELOPMENT.

Section 5. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-9, “Eligibility requirements” be and it is hereby enacted as follows:

§175-9 ELIGIBILITY REQUIREMENTS.

TO BE ELIGIBLE FOR THE TAX CREDIT, A PROPERTY MUST MEET THE FOLLOWING ELIGIBILITY CRITERIA:

- A. IMPROVEMENTS MUST INCLUDE NEW CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION OF RESIDENTIAL (EXCLUDING SINGLE FAMILY DETACHED), COMMERCIAL, HOSPITALITY, OR MIXED-USE PROPERTIES.
- B. THE APPLICANT MUST BE IN GOOD STANDING WITH THE CITY OF COLLEGE PARK’S PUBLIC SERVICES AND FINANCE DEPARTMENTS. IN ORDER TO BE IN GOOD STANDING, APPLICANTS MAY NOT HAVE ANY OUTSTANDING CODE VIOLATIONS OR BE DELINQUENT ON ANY PAYMENTS INCLUDING, BUT NOT LIMITED TO, TRASH BILLS, PERMIT FEES, AND CITY TAX PAYMENTS.
- C. PROJECTS ARE INELIGIBLE FOR THIS PROGRAM IF THEY ARE LOCATED WITHIN A TAX INCREMENT FINANCING DISTRICT AT THE TIME OF APPLICATION.
- D. ELIGIBILITY IS CONTINGENT UPON CITY COUNCIL APPROVAL OF THE PROJECT’S DETAILED SITE PLAN, IF APPLICABLE, OR BUILDING PERMITS. IN THE EVENT THE CITY COUNCIL APPROVES THE DETAILED SITE PLAN WITH CONDITIONS OR ANY AGREEMENT BETWEEN THE APPLICANT AND

THE CITY, ALL RECOMMENDED CONDITIONS OR TERMS OF AGREEMENT MUST BE COMPLIED WITH BEFORE ANY TAX CREDIT WILL TAKE EFFECT.

- E. PROJECTS THAT ARE UNDER CONSTRUCTION, COMPLETED, OR HAVE AN APPROVED DETAILED SITE PLAN OR BUILDING PERMIT PRIOR TO THE ADOPTION OF THIS PROGRAM ARE NOT ELIGIBLE FOR THE TAX CREDIT.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-10, “Eligibility criteria” be and it is hereby enacted as follows:

§175-10 ELIGIBILITY CRITERIA

WHEN EVALUATING WHETHER A PROJECT WILL RECEIVE A TAX CREDIT UNDER THIS ARTICLE, THE CITY COUNCIL WILL USE THE FOLLOWING CRITERIA. FOR PROJECTS LOCATED WITHIN THE BOUNDARIES OF TAX CREDIT DISTRICT 1 AT LEAST 4 OF THE CRITERIA MUST BE MET AND FOR PROJECTS LOCATED WITHIN THE BOUNDARIES OF TAX CREDIT DISTRICT 2 AT LEAST 2 OF THE CRITERIA MUST BE MET.

- A. THE PROJECT IS LOCATED WITHIN A ½-MILE RADIUS OF AN EXISTING OR UNDER CONSTRUCTION RAIL STATION FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, MARYLAND AREA REGIONAL COMMUTER, MARYLAND TRANSIT ADMINISTRATION, OR SIMILAR AGENCY.
- B. THE PROJECT INVOLVES THE ASSEMBLAGE OF LOTS OR PARCELS OWNED BY DIFFERENT PARTIES.

- C. THE PROJECT INVOLVES THE BUYOUT OF LEASES TO FACILITATE REDEVELOPMENT.
- D. THE PROJECT WILL COMPLETE, OR COMMIT FUNDS FOR, SUBSTANTIAL INFRASTRUCTURE IMPROVEMENTS SUCH AS A NEW OR RELOCATED TRAFFIC SIGNAL, A PUBLIC STREET, A PUBLIC PARK, A PUBLIC PARKING GARAGE, UNDERGROUNDING OF UTILITIES, OR A BIKESHARE STATION.
- E. THE PROJECT MEETS THE MINIMUM GREEN BUILDING GUIDELINES AS ESTABLISHED BY THE US GREEN BUILDING COUNCIL'S LEED SILVER CERTIFICATION FOR THE PROJECT'S APPROPRIATE RATING SYSTEM. A LEED SCORECARD MUST BE SUBMITTED WITH THE DETAILED SITE PLAN APPLICATION AND EVIDENCE OF CERTIFICATION AT THE TIME OF FINAL APPLICATION FOR THE TAX CREDIT.
- F. THE PROJECT IS LOCATED WITHIN ONE OF THE WALKABLE DEVELOPMENT NODES DESIGNATED IN THE APPROVED CENTRAL US 1 CORRIDOR SECTOR PLAN.
- G. THE PROJECT INVOLVES THE DEMOLITION OF AN EXISTING NON-HISTORIC STRUCTURE, WHICH HAS BEEN VACANT AT LEAST ONE YEAR.
- H. THE PROJECT IS A BROWNFIELD DEVELOPMENT, WHICH MEANS REAL PROPERTY WHERE EXPANSION OR REDEVELOPMENT IS COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF ENVIRONMENTAL CONTAMINATION, AND REQUIRES AN ENVIRONMENTAL CLEANUP PRIOR TO REDEVELOPMENT.
- I. THE PROJECT HAS SECURED AT LEAST ONE LOCALLY-OWNED, NON-FRANCHISE BUSINESS AS EVIDENCED BY EXECUTED LEASE

AGREEMENTS AT THE TIME OF FINAL APPLICATION FOR THE TAX CREDIT.

- J. THE PROJECT PROVIDES SPACE FOR A BUSINESS INCUBATOR, COMMUNITY CENTER, ART GALLERY, OR SIMILAR PUBLIC-BENEFIT USE.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-11, “Tax credit - amount and term” be and it is hereby enacted as follows:

§175-11 TAX CREDIT – AMOUNT AND TERM

AN ELIGIBLE PROPERTY MAY RECEIVE A 5-YEAR TAX CREDIT ON CITY REAL PROPERTY TAXES BASED ON THE INCREASED ASSESSMENT ATTRIBUTED TO THE TAXABLE IMPROVEMENTS UPON PROJECT COMPLETION AS DETERMINED BY THE SUPERVISOR OF ASSESSMENTS. THE TAX CREDIT SHALL BE IN AN AMOUNT EQUAL TO 75% OF THE INCREASED ASSESSMENT OF CITY TAX IMPOSED IN THE FIRST YEAR; 60% IN THE SECOND YEAR; 45% IN THE THIRD YEAR; 30% IN THE FOURTH YEAR; AND 15% IN THE FIFTH YEAR. THE TAX CREDIT IS TRANSFERABLE TO SUBSEQUENT PROPERTY OWNERS WITHIN THE TERM OF THE ORIGINAL AGREEMENT.

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-12, “Application process” be and it is hereby enacted as follows:

§175-12 APPLICATION PROCESS

- A. SUBMIT PRELIMINARY APPLICATION

AN APPLICATION FOR A CITY TAX CREDIT SHALL BE SUBMITTED TO THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT DEPARTMENT NO LATER THAN THE DATE OF ACCEPTANCE FOR A DETAILED SITE PLAN BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCPPC), IF APPLICABLE, OR THE SUBMISSION OF A BUILDING PERMIT APPLICATION TO PRINCE GEORGE'S COUNTY. THE APPLICATION SHALL SPECIFY WHICH EVALUATION CRITERIA ARE BEING ADDRESSED BY THE APPLICANT, THE ESTIMATED VALUE OF THE COMPLETED IMPROVEMENTS, AND ANY ADDITIONAL INFORMATION REQUESTED BY THE CITY. ALL PLANS ASSOCIATED WITH THE DETAILED SITE PLAN OR BUILDING PERMIT SHALL BE SUBMITTED WITH THE APPLICATION.

B. CITY STAFF REVIEW AND RECOMMENDATION

UPON RECEIPT AND ACCEPTANCE OF A COMPLETED APPLICATION, THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT DEPARTMENT WILL REFER A COPY OF THE APPLICATION TO THE FINANCE DEPARTMENT. CITY STAFF WILL PROVIDE A RECOMMENDATION TO THE CITY COUNCIL FOR A TAX CREDIT AT THE TIME OF DETAILED SITE PLAN REVIEW BEFORE THE CITY COUNCIL. FOR PROJECTS THAT DO NOT REQUIRE A DETAILED SITE PLAN, STAFF WILL REVIEW BUILDING PERMIT PLANS AND SCHEDULE THE APPLICATION FOR REVIEW BY THE CITY COUNCIL AT A CITY COUNCIL WORKSESSION.

C. CITY COUNCIL RESOLUTION

A CITY COUNCIL RESOLUTION MUST BE APPROVED TO AUTHORIZE THE AWARD OF A TAX CREDIT. THE APPROVAL WILL BE CONTINGENT ON ALL REQUIRED TERMS OF THE REVITALIZATION TAX CREDIT PROGRAM BEING MET AT THE TIME OF FINAL APPLICATION. IF THE PRINCE GEORGE'S COUNTY PLANNING BOARD, THE DISTRICT COUNCIL, OR ANY OTHER GOVERNMENT AGENCY WITH AUTHORITY CHANGES THE CITY APPROVED CONDITIONS FOR THE DETAILED SITE PLAN AFTER THE RESOLUTION HAS BEEN ADOPTED, STAFF WILL REVIEW THE CHANGES AND PROVIDE A SUPPLEMENTAL RECOMMENDATION FOR THE TAX CREDIT AUTHORIZATION THAT THE CITY COUNCIL WILL RELY UPON WITH RESPECT TO DETERMINING WHETHER IT SHOULD RE-CONSIDER THE AUTHORIZATION.

D. FINAL APPLICATION APPROVAL

PRIOR TO FINAL ACCEPTANCE OF THE APPLICATION FOR A CITY TAX CREDIT, DOCUMENTATION MUST BE SUBMITTED TO THE CITY'S DIRECTOR OF FINANCE INCLUDING A LEGAL DESCRIPTION OF THE PROPERTY, PROOF OF A PROPERLY ISSUED USE AND OCCUPANCY PERMIT APPLICABLE TO ELIGIBLE IMPROVEMENTS, EVIDENCE OF COMPLIANCE WITH ANY CITY AGREEMENT OR REQUIRED CERTIFICATIONS, AND SUCH OTHER INFORMATION OR DOCUMENTATION AS THE DIRECTOR MAY REQUIRE. UPON FINAL ACCEPTANCE THE CITY WILL ISSUE A CERTIFICATE TO THE PROPERTY OWNER THAT CONFIRMS THE PARCEL'S TAX CREDIT STATUS. A COPY OF THE CERTIFICATE WILL BE SENT TO THE PRINCE GEORGE'S

COUNTY SUPERVISOR OF ASSESSMENTS WHO WILL DETERMINE THE VALUE OF IMPROVEMENT.

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-13, “Waiver” be and it is hereby enacted as follows:

§175-13 WAIVER

A. IF IT FINDS THAT THE PURPOSES OF THIS ARTICLE WILL BE EQUALLY WELL SERVED BY DOING SO, THE COUNCIL MAY WAIVE THE REQUIREMENT IN §175-12 THAT AN APPLICATION MUST BE FILED NO LATER THAN THE DATE OF ACCEPTANCE FOR A DETAILED SITE PLAN, IF APPLICABLE, OR A BUILDING PERMIT APPLICATION, AND CONSIDER WHETHER TO GRANT A TAX CREDIT UNDER THE FOLLOWING CIRCUMSTANCES FOR PROJECTS FOR WHICH NO APPEAL WAS FILED BY THE CITY:

1. WHEN THE APPLICATION IS FILED PRIOR TO THE APPROVAL OF THE DETAILED SITE PLAN OR ISSUANCE OF THE BUILDING PERMIT; OR
2. NOTWITHSTANDING §175-9(E), IF THE DETAILED SITE PLAN WAS APPROVED AFTER JANUARY 1, 2009, THE PROJECT HAS BEEN CONSTRUCTED, AND THE PROJECT SATISFIES AT LEAST THE MINIMUM REQUIRED CRITERIA IDENTIFIED IN §175-10 FOR THE DISTRICT; OR
3. IF A DETAILED SITE PLAN HAS BEEN APPROVED, BUT CONSTRUCTION HAS NOT OCCURRED, FOR THE PURPOSE OF ENCOURAGING THE CONSTRUCTION; OR

4. FOR AN APPLICATION THAT IS TIMELY FILED, WHEN THE MINIMUM REQUIREMENTS OF §175-10 ARE NOT MET.

B. IN GRANTING A TAX CREDIT UNDER THIS SECTION, THE COUNCIL MAY REDUCE THE AMOUNT OR DURATION OF THE CREDIT SET OUT IN §175-11.

C. IN MAKING APPLICATION FOR A WAIVER, THE APPLICANT SHALL PROVIDE FOR CONSIDERATION THE INFORMATION REQUESTED BY THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT STAFF.

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2012, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2012 provided that a fair

summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2012.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2012.

EFFECTIVE the _____ day of _____, 2012.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney